

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DR. KEVIN J. NOHELTY,

Plaintiff,

v.

LINCOLNWOOD SCHOOL DISTRICT # 74,  
SCOTT L. ANDERSON, JOHN P. VRANAS,  
KEVIN DALY AND GEORJEAN HLEPAS-  
NICKELL,

Defendant.

Case No.:

Judge:

**NOTICE OF REMOVAL**

To: Judges of the United States District Court for the Northern District of Illinois:

NOW COME Defendants Lincolnwood School District # 74 (the “District”) and individual defendants Scott L. Anderson, John P. Vranas, Kevin Daly and Gerojean Hlepas-Nickell (“Individual Defendants”) (the District along with Individual Defendants are herein referenced as “Defendants”), by and through their attorneys, Anthony Ficarelli and V. Brette Bensinger of Hinshaw & Culbertson, LLP, and for its Notice of Removal pursuant to 28 U.S.C §§1441 and 1446, and in support thereof, state as follows:

1. The initial complaint in this matter was filed in the United States District Court for the Northern District of Illinois on July 17, 2012, under case number 12 C 5594. The initial complaint contained one federal count and three state court causes of action.
2. On September 18, 2012, Judge Shadur dismissed the initial complaint due to lack of subject matter jurisdiction on the federal claim, but without prejudice to the potential reassertion of the claims in a state court of competent jurisdiction. [Dkt. 9].
3. On October 9, 2012, Plaintiff filed a Complaint in the Circuit Court of Cook County Illinois. The initial complaint consisted only of state claim allegations against Defendants

alleging state claims of civil conspiracy, breach of contract, writ of certiorari/administrative review, intentional infliction of emotional distress and retaliatory discharge.

4. On Defendants' Motion to Dismiss, State court Judge Joan Powell dismissed all of the state tort claims with prejudice and dismissed the breach of contract and writ of certiorari/administrative review claims without prejudice.

5. On August 8, 2013, Plaintiff filed an Amended Complaint, a copy of which is attached hereto as **Exhibit A**. In its Amended Complaint, Plaintiff purports to present claims arising under federal law, specifically, 42 U.S.C. §1983, against each Defendant herein. Additionally, in general, Plaintiff contends that his due process rights under Fourteenth Amendment to the United States Constitution and his rights to freedom of association under the First Amendment of the United States Constitution were denied by Defendants in the course his employment and then subsequent termination from his position at Lincolnwood School District #74. Plaintiff seeks damages from said Defendants, as well as costs.

6. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1331 and §1343 in that Count I of Plaintiff's Complaint arises under federal law and seeks to redress alleged deprivations, under State law, of rights secured by the Constitution of the United States.

7. Additionally, federal courts have original jurisdiction over claims arising under 42 U.S.C. § 1983 pursuant to 28 U.S.C. §1331.

8. Any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant to the district court of the United States for the district and division embracing the place where such action is pending. 28 U.S.C. §1441(a).

9. Venue is proper in the Northern District of Illinois, Eastern Division, in that Cook County is within the Northern District, Eastern Division.

10. If a case was not previously removable, removal may be sought within 30 days after receipt by the defendant of an amended pleading from which it may first be ascertained that the case is one which has become removable. 28 U.S.C. §1446.

11. Defendant removed this case within thirty days of its receipt of the Amended Complaint, which was filed on August 8, 2013. Therefore, pursuant to 28 USC §1446(b)(3), this removal is timely.

12. Concurrently with the filing of this Notice of Removal, Defendant is filing its Notice of Filing Notice of Removal with the Circuit Court of Cook County, Illinois, a copy of which will be served upon plaintiff's counsel.

Respectfully submitted,

HINSHAW & CULBERTSON LLP

By: s/V. Brette Bensinger  
V. Brette Bensinger

Anthony Ficarelli  
V. Brette Bensinger  
Hinshaw & Culbertson LLP  
222 N. LaSalle, Suite 300  
Chicago, IL 60601  
312-704-3000  
[aficarelli@hinshawlaw.com](mailto:aficarelli@hinshawlaw.com)  
[bbensinger@hinshawlaw.com](mailto:bbensinger@hinshawlaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on September 5, 2013, I electronically filed **Defendants' Notice of Removal**, with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to all counsel of record.

By: /s/ V. Brette Bensinger  
One of the Attorneys for Defendants  
V. Brette Bensinger  
HINSHAW & CULBERTSON LLP  
222 North LaSalle Street, Suite 300  
Chicago, Illinois 60601-1081  
(312) 704-3000